

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Charles E. "Chas" Roemer, IV
President

1509#031

Bulletin 137—Louisiana Early Learning Center Licensing Regulations—Licensure (LAC 28:CLXI.305)

The Board of Elementary and Secondary Education (BESE) has exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act, and R.S. 17.6 to amend LAC 28:CLXI.305, Operating Without a License; Registry; Penalties. This Declaration of Emergency, effective June 18, 2015, is being extended beyond the initial period of 120 days and will remain in effect until the final Rule becomes effective.

The law requires BESE to establish statewide minimum standards for the health, safety and well-being of children in early learning centers, ensure maintenance of these standards, and regulate conditions in early learning centers through a program of licensing administered by the LDE. To immediately increase the ability of the Department of Education, local law enforcement and local education agencies to protect children from attending child care centers that are unregulated, BESE has exercised the emergency provision in the adoption of this policy revision.

Title 28

EDUCATION

Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations

Chapter 3. Licensure

§305. Operating Without a License; Registry; Penalties

A. Whoever operates any early learning center without a valid license shall be fined by the Licensing Division not less than \$1,000 per day for each day of such offense.

B. If an early learning center is operating without a valid license, the Licensing Division shall file suit for injunctive relief in the district court in the parish in which the center is located to enjoin the owner or operator from continuing the violation.

C. Upon receipt of a court order enjoining an individual from operating an early learning center without a valid, current early learning center license, the department shall notify local law enforcement, the local superintendent, and the early childhood community network lead agency, if different, in the parish in which the unlicensed care was provided, and in the parish in which the individual resides, if known and different from the parish in which the unlicensed care was provided, of the existence of such a court order.

D. The department shall publish on its website in a statewide registry the names of individuals that have an existing court order prohibiting them from operating an early learning center without a current, valid early learning center license and that do not currently operate a center with a current valid license. The registry shall at a minimum include the name of the individual, the name of the center under which the unlicensed care was provided, and the parish in which the unlicensed care was provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.37.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, amended LR 41: